

Pro Se General Complaint for a Civil Case (Rev. 10/16)

**United States District Court
for the
NORTHERN DISTRICT OF ALABAMA**

Plaintiff

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

CARL R. ARRINGTON

v.

MONSANTO chemical Co.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above or on page 2, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.:

(to be filled in by the Clerk's Office)

JURY TRIAL Yes No

1:17-cv-01585-VEH

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff

Name

Street Address

City and County

State and Zip Code

Telephone Number

CARL R ARRINGTON

101 THORNTON ST

ALBANY

NEW YORK

518-390-5136

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. If you are suing an individual in his/her official capacity, include the person's job or title. Attach additional pages if needed.

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CAT/ L. Arrington

Defendant No. 1

Name

Job or Title

Street Address

City and County

State and Zip Code

MAIN-OFFICE

MONSANTO Chemical Company

800 N. Lindberg Boulevard

St. Louis, (Saint Louis County)

MISSOURI, 63167

Defendant No. 2

Name

Job or Title

Street Address

City and County

State and Zip Code

ALABAMA OFFICE - SAME COMPANY, BRANCH OFFICE
ADDRESS - FOR COURT/MAIN JURISDICTION/ OFFICE

will be served

25920 MONSANTO ROAD

Loxley, (Baldwin County)

ALABAMA, 36551

Defendant No. 3

Name

Job or Title

Street Address

City and County

State and Zip Code

Defendant No. 4

Name

Job or Title

Street Address

City and County

State and Zip Code

Carl R. Arrington

Defendant No. 5

Name _____

Job or Title _____

Street Address _____

City and County _____

State and Zip Code _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? (*check all that apply*)

Constitutional or Federal Question USA Defendant Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction is USA defendant

The Defendant(s) _____

Name of Agency _____

Address _____

B. If the Basis for Jurisdiction is a Constitutional or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

C. If the Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The plaintiff, (name) CARL R. ARRINGTON, is a citizen of the State of (name) New York.

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) MONSANTO, is incorporated under the laws of the State of (name) ALABAMA, and has its principal place of business in the State of (name) MISSOURI.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant owes or the amount that is at issue – is more than \$75,000, not counting interest and costs of court, because: (explain)

Exceeds \$75,000 due to Defendants Action to Avoid Payment to Military Veterans.

III. Statement of Claim

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Write a short and plain statement of the claim. Briefly state the facts showing that the plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attached Document

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks for the court to order. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive (punishment) or exemplary (warning or deterrent) damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See Attached Document

V. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

First Name Carl Last Name Arlington
 Mailing Address 101 Thornton St
 City and State ALBANY N.Y. 12206 Zip Code 12206
 Telephone Number 518-449-2131
 E-mail Address SECRAYNET@aol.com

Signature of plaintiff C. Fay Arlington
 Date signed 9/12/2017

OPTIONAL

You may request to receive electronic notifications. You may not file documents or communicate with the court electronically. All documents must be submitted in paper and you must serve the defendants.

Type of personal computer and related software/equipment required:

- Personal computer running a standard platform such as Windows or Mac OSX
- Internet access (high speed is recommended)
- A Web browser (Microsoft Internet Explorer 7.0 or 6.0 or Mozilla Firefox 2 or 1.5)
- Adobe Acrobat Reader is needed for viewing e-filed documents
- PACER account – Information and registration at www.pacer.gov

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- You will receive one "free" look of the document. Documents must be viewed within 14 days. You must only single-click on the hyperlink to view.

Note: You must promptly notice the Clerk's Office, in writing, if there is a change in your designated e-mail address. Failure to update your email address does not excuse failures to appear or timely respond.

E-mail type:

HTML – Recommended for most e-mail clients
 Plain Text – Recommended for e-mail accounts unable to process HTML e-mail

Conditioned upon the sufficiency of your electronic equipment which the court will test and verify receipt, you will be allowed to receive electronic notifications.

By submitting this request , the undersigned consents to electronic service and waives the right to personal service and service by first class mail pursuant to Rule 5(b)(2) of the Federal Rules of Civil Procedure, except with regard to service of a summons and complaint.

When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing in his/her designated e-mail account. The Notice will allow one free look at the document, and any attached .pdf may be printed or saved.

IMPORTANT:

Messages sent to Yahoo or AOL accounts are frequently found in the spam folder until the court is added to your address book.

E-mail address designated for noticing:

SFCRAYNet@aol.com

Participant signature: C. Ray Quintana

Date: 9/13/2017

Pro-Se- Civil case: Carl R. Arrington

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Cause of Action/statement of Claim

In the article written by Dawn Allen, dated August 31, 2016, we find stated analysis of what took place at Ft. McClellan Alabama. Article is at <http://www.legalreader.com/fort-mcclellan-toxic-scandal/>. Ft McClellan was recognized as an active duty military base from January 1, 1935 to May 20, 1999. "In 2003, Monsanto chemical (and its spinoff company) Salutia, settled a lawsuit out of court and agreed to pay \$700 million dollars to more than 20,000 residents of Anniston Alabama because of PCB contamination." NY Times article (\$700 million dollar law suit) by the Associated Press, August 21, 2003.

I am an US Army veteran, that was stationed at Ft. McClellan Alabama for several months. In May of 2017, I as the plaintiff became aware of the settlement case that the defendant (Monsanto Chemical Company), concluded with lawyers that represented a large number of civilians in 2003. The toxic chemicals of PCB's prompted the law suit against Monsanto Chemical company. It was also noted on the record that Monsanto refused to acknowledge the strong possibility that soldiers who lived and drink from the same water in the region of Anniston Alabama, should also be considered. We are talking about the soldiers who got sick from drinking water contaminated with PCB's by Monsanto Chemical Company. I have suffered greatly with cancer from the contamination of the water by Monsanto Chemical, and this is my claim against them.

First Cause of Action

There is no history of cancer in my family. It is a known fact that many people don't get sick from contaminated water until years later. While living in the Anniston area as a soldier I consumed much of the contaminated water, and years later I was diagnosed with Leukemia cancer. The injury by which I am suffering is long lasting. My condition of Non-Hodgkin and Leukemia cancers, warrant a relief from the defendant.

Second Cause of Action

Negligence: The defendant failed to notify Ft. McClellan and the veterans that they had placed contaminants in the drinking water. Some soldiers lived off base in Anniston, as well as on base. Monsanto failed to exercise ordinary care for me and the population of Anniston and Ft. McClellan Ala. Therefore I became one of the victims of the defendant in their reckless and inconsiderate action toward my life and the lives of others. Defining PCB's. "A polychlorinated biphenyl (PCB) is an organic chlorine compound with the formula C₁₂H₁₀-xC₁₂. Polychlorinated biphenyls were once widely deployed as dielectric and coolant fluids in electrical apparatus, carbonless copy paper and in heat transfer fluids." Obviously the defendant should have known that the toxic chemicals would bring irreparable harm to any human being if consume in drinking water.

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Relief

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The relief sought is clear, that some monetary amount be given to the me as the plaintiff in this case. Why, because as stated in the statement of the claim, I drink the contaminated water of PCB's that was placed in the water by Monsanto Chemical. Wherefore as the plaintiff, I seek a minimum of \$5 million dollars, due to years of pain and suffering as a result of drinking contaminated and toxic drinking water from Anniston Alabama, contaminated by Monsanto Chemical Company.